

Internal distribution code:

- (A) Publication in OJ
(B) To Chairmen and Members
(C) To Chairmen
(D) No distribution

**Datasheet for the decision
of 4 June 2013**

Case Number: T 1366/12 - 3.3.04
Application Number: 02721604.3
Publication Number: 1379224
IPC: C07K 7/00, C07K 7/64,
A61K 38/04, A61K 38/12,
A61P 35/00, A61P 29/00

Language of the proceedings: EN

Title of invention:

Guanylate cyclase receptor agonists for the treatment of
tissue inflammation and carcinogenesis

Patent Proprietor:

Synergy Pharmaceuticals, Inc.

Opponents:

Hill, Christopher Michael
CombiMab, Inc.

Headword:

Guanylate cyclase receptor agonists/SYNERGY

Relevant legal provisions:

EPC Art. 108
EPC R. 101(1)

Keyword:

"Admissibility of appeal (no) - missing statement of grounds"

Decisions cited:

-

Catchword:

-



Case Number: T 1366/12 - 3.3.04

DECISION
of the Technical Board of Appeal 3.3.04
of 4 June 2013

Appellant: Hill, Christopher Michael
(Opponent 1) Page White & Farrer
Bedford House
John Street
London WC1N 2BF (GB)

Representative: Adams, Harvey Vaughan John
Mathys & Squire LLP
120 Holborn
London EC1N 2SQ (GB)

Respondent: Synergy Pharmaceuticals, Inc.
(Patent Proprietor) Suite 450
2 Executive Drive
Somerset, NJ 08873 (US)

Representative: Mintz Levin Cohn Ferris Glovsky and Popeo LLP
Alder Castle
10 Noble Street
London EC2V 7JX (GB)

Party as of right: CombiMab, Inc.
(Opponent 2) 9700 Great Seneca Highway
Rockville, MD 20850 (US)

Representative: Goodfellow, Hugh Robin
Carpmaels & Ransford
One Southampton Row
London WC1B 5HA (GB)

Decision under appeal: Interlocutory decision of the Opposition
Division of the European Patent Office posted
on 29 March 2012 concerning maintenance of the
European Patent No. 1379224 in amended form.

Composition of the Board:

Chairman: C. Rennie-Smith
Members: G. Alt
B. Claes

Summary of Facts and Submissions

- I. The appeal is against the decision of the Opposition Division of the European Patent Office dated 29 March 2012 according to which the European patent No. 1 379 224 in amended form complies with the requirements of the EPC.
- II. The opponent I (hereinafter "appellant") filed a notice of appeal on 8 June 2012 and paid the fee for appeal on the same day.
- III. No statement setting out the grounds of appeal pursuant to Article 108 EPC was filed by the appellant. The notice of appeal contains nothing that could be regarded as a statement of grounds.
- IV. By a communication dated 18 December 2012, sent by registered letter with advice of delivery, the Registry of the board informed the appellant that no statement setting out the grounds of appeal had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- V. The appellant filed no observations in response to said communication.

Reasons for the decision

As no statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC, third sentence, in conjunction with Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

P. Cremona

C. Rennie-Smith